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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,722	02/14/2001	Dah-Lain Almon Tang	CE08292R	2622

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EXAMINER	
BAYARD, DJENANE M	

ART UNIT	PAPER NUMBER
2141	

NOTIFICATION DATE	DELIVERY MODE
08/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/784,722	TANG ET AL.	
	Examiner	Art Unit	
	DJENANE M. BAYARD	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-9,11-18 and 20-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4-9, 11-18 and 20-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to amendment filed on 5/14/08 in which claims 1, 4-9, 11-18, 20-25 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 4-9, 11-18, 20-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-9, 11-12, 16-18, 20, 23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,501756 to Katsube et al.

a. As per claims 1, 18 and 23, Katsube et al teaches a method for multiplexing data packets comprising steps of: receiving a plurality of data packets to produce a plurality of received data packets, wherein each received data packet of the plurality of received data packets comprises a

routing address that is associated with one or more network layer routing information and transport layer routing information; (See col. 2. lines 42-67) determining an address label for each received data packet based on the data packet's routing address, wherein the address label provides one or more of network layer routing information and transport layer routing information; (See col. 7, lines 40-67); For each data packet of the plurality of received data packets, deleting the routing address from the data packet and adding the address label determined for the data packet to the data packet to produce a modified data packet and multiplexing the modified data packets (See col. 9, lines 19-67) and wrapping the multiplexed data packets with a new data transmission header comprising routing information for the multiplexed data packets to produce a data transmission unit (See col. 11, lines 12-20 and lines 33-56).

b. As per claim 9, Katsube et al teaches a method for point-to-point transmission of data comprising steps of: receiving, by a data transmitting device, a plurality of data packets to produce a plurality of received data packets, wherein each received data packet of the plurality of received data packets comprises a routing address that is associated with one or more of network layer routing information and transport layer routing information (See col. 2, lines 42-67); determining, by the data transmitting device, a address label for each received data packet based on the data packet's routing address wherein the address label provides one or more of network layer routing information and transport layer routing information (See col. 7, lines 40-67); for each data packet of the plurality of received data packets, deleting, by the data transmitting device, the data packet's routing address from the data packet and on adding, by the data

transmitting device, the address label determined for the data packet to the data packet to produce a modified data packet (See col. 9, lines 19-67); multiplexing, by the data transmitting device, the modified data packets; adding, by the data transmitting device, a data transmission header to the multiplexed data packets that includes routing information for the multiplexed data packets to produce a data transmission unit; and transmitting, by the data transmitting device, the data transmission unit to a data receiving device (See col. 11, lines 12-20 and 33-56).

c. As per claim 4, Katsube et al teaches the claimed invention as described above. Furthermore, Katsube et al teaches wherein the data transmission header comprises a transport layer header (See col. 11, lines 12-56).

d. As per claim 5, Katsube et al teaches the claimed invention as described above. Furthermore, Katsube et al teaches wherein the new data transmission header comprises a multi-protocol address label switching (MPLS) header (See col. 4, lines 58-67).

e. As per claim 6, Katsube et al teaches the claimed invention as described above. Furthermore, Katsube et al fails to teach routing the multiplexed data packets based on the added data transmission header (See col. 11, lines 12-56).

f. As per claims 7 and 16, Katsube et al teaches the claimed invention as described above. Furthermore, Katsube et al teaches wherein a received data packet of the plurality of received data packets is formatted based on a different network layer or transport layer data transmission

protocol than another received data packet of the plurality of received data packets (See col. 11, lines 12-56).

g. As per claim 11, Katsube et al teaches the claimed invention as described above. Furthermore, Katsube et al teaches receiving the data transmission unit by the data receiving device; extracting, by the data receiving device, the modified data packets from the data transmission unit; and routing, by the data receiving device, each modified data packet based on the routing address corresponding to the data packet's address label (See col. 11, lines 12-56).

h. As per claim 12, Katsube et al teaches the claimed invention as described above. Furthermore, Katsube et al teaches deleting, by the data-receiving device, the address label from each modified data packet and adding, by the data-receiving device to each modified data packet, the routing address corresponding to the modified data packet's address label (See col. 11, lines 12-56).

i. As per claim 17, Katsube et al teaches the claimed invention as described above. Furthermore, Katsube et al teaches to teach receiving a data transmission unit; determining a routing address of each modified data packet included in the data transmission unit based on the modified data packet's address label; and forwarding each modified data packet based on the determined routing address (See col. 4, lines 58-67).

j. As per claim 20, Katsube et al teaches the claimed invention as described above. Furthermore, Katsube et al teaches wherein the processor further determines a data transmission header for the multiplexed data packets and adds the data transmission header to the multiplexed data packets (See col. 2, lines 42-67).

c. As per claim 25, Katsube et al teaches the claimed invention as described above. Furthermore, Katsube et al teaches wherein the data transmission unit further comprises a data transmission header corresponding to the data-receiving device (See col. 11, lines 12-56).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 8, 13-15, 21-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,501756 to Katsube et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,735190 to Chuah et al.

a. As per claims 8, 13, 21 and 24, Katsube et al teaches the claimed invention as described above. However, Katsube et al fails to teach creating a connection table that comprises the

routing address of each received data packet and the address label corresponding to each routing address.

Chuah et al teaches creating a connection table that comprises the routing address of each received data packet and the address label corresponding to each routing address (See col. 10, lines 1-30)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate creating a connection table that comprises the routing address of each received data packet and the address label corresponding to each routing address as taught by Chuah et al in the claimed invention of Katsube et al in order to establish a labeled flow (See abstract).

b. As per claims 14 and 22, Katsube et al teaches the claimed invention as described above. However, Katsube et al fails to teach fails to teach wherein the connection table is created by the data transmitting device and conveyed by the data transmitting device to the data receiving device.

Chuah et al teaches wherein the connection table is created by the data transmitting device and conveyed by the data transmitting device to the data receiving device (See col. 10, lines 5-30).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the connection table is created by the data transmitting device and conveyed by the data transmitting device to the data receiving device as taught by Chuah et al in the claimed invention of Katsube et al in order to establish a labeled flow (See abstract).

c. As per claim 15, Katsube et al teaches the claimed invention as described above. However, Katsube et al fails to teach routing each modified data packet comprises a step of routing, by the data receiving device, each modified data packet by reference to the connection table.

Chuah et al teaches routing each modified data packet comprises a step of routing, by the data receiving device, each modified data packet by reference to the connection table (See col. 10, lines 1-30).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the connection table is created by the data transmitting device and conveyed by the data transmitting device to the data receiving device as taught by Chuah et al in the claimed invention of Katsube et al in order to establish a labeled flow (See abstract).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144